G. R. S. IX-5]

Previous references.

1892
~~191~~ .
(police -)

File No. 12

Serial Nos. 1-8

Later references.

(21)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-8

In **Part B for** Sept 93.

SUBJECT.

Precautions to prevent Thefts in The Kolar Gold Fields.

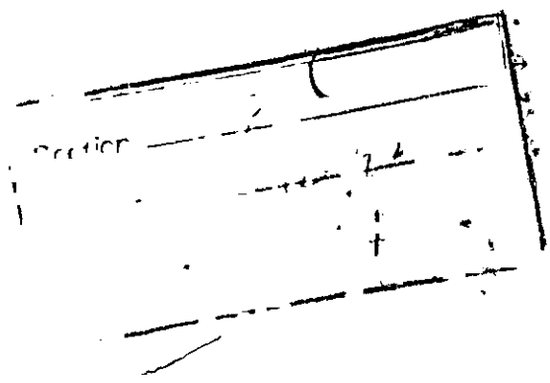
Arrears

Countersigned

W D 88—GPB—50,000—24-7-16

12140

1893 G 5365



The Registrar of the
Chief Court, Mys

To

The Secretary to the Dewan
of Mysore.

Dated 21st April/93

Despatched 22nd

Received

Enclosures No. one

General No. 1726 } 188 —3 .
No. 59 }

Forwards copy of Judgment in Criminal case No. 342 of 1892/93 on the file of the Special & Vth Class Magistrate Kolar Gold Fields, for such action as the Government may deem fit to take.

Send Copy of the Judgt with a Letter Contents letter for the infn of the Chairman of the Board of Directors of Mysore in England.

28/4/93.

Submitted.
Mr
for the
Dewan's orders. 22/4
Report of the Dy Cr is in the
Enclosure herein of the
Mr Stokes 26/4

the Chairman of the Mysore
Gold Mining Company London
and Kolar Nos 453-4
G 156-7
2/7/93

No. 1726/59 Sundries

Bangalore, 21st

From

The Registrar of the
Chief Court &c &c.

To,

The Chief Secretary
to the Dewan of Mysore.

Sir,

I am directed to forward the accompanying Copy of Judgment in Criminal Case No. 342 of 1892-93 on the file of the Special and 1st class Magistrate, Kolar Gold Fields - Accused Ambrose - for such action, as the Government may deem fit to take, with reference to the remark contained in the concluding portion of the Magistrate's Judgment, to the effect that sufficient precautions are not taken by the Superintendents of Gold Mines to prevent thefts.

I have the honor to be,
Sir,
Your Most Obedient Servant

Accepted

Acting Registrar.

T.R.

In the Court of the Special and 1st Class Magistrate, Kolar Gold Fields

Criminal Case No. 342 of 1892-93

Dated 8th April 1893

Present:- G. Hume Wright Esq re
Special Magistrate

Complainant Accused

Government vs Ambrose.

Judgment

The Police charge the accused with theft in a building at Mysore Camp on or about the 31st day of March 1893.

Witnesses examined for prosecution.

1. Constable Kantiah
2. Constable Mahamed Moosa

Exhibit filed A Amalgum
B a piece of paper
C a piece of Sponge Gold

The Court examined Mr Opie, Assay Officer -

Accused charged "that you Ambrose

Opie, Court witness, proves that accused is a plate boy in No. 3 Mill and that the Mill was working on the night of the 30th and that Exhibit A is plate Amalgum and C is sponge gold, worth together about £1-4-5. Accused admits he was working in the Mill on the night shift on the 30th, the night before his arrest - He offers no evidence to prove that he picked up the Amalgum anywhere but in the Mill; his explanation for being in possession is most unlikely, and he being a plate boy continually handling the Amalgum and having come that morning from the Mill, points to the conclusion that he took exhibit A from No. 3 Mill. Mr Opie explains that accused was not searched, as there are no watchmen at No. 3 Mill, it not being completely enclosed - The finding of stolen property in the possession of

Ambrose alias Sonny-boy, on or about the 31st day of March 1893, at Mysore Mine, committed theft of Amalgum from the Mill and thereby committed an offence punishable under Section 380, Indian Penal Code." Accused pleads not-guilty and states "I never committed theft, I picked it up on the road." Accused Examines no witnesses.

1st and 2d Prosecution Witnesses arrested accused on the morning of the 31st March, having information against him, in the Mysore Camp, as he was going home to Masikam Block Accused had the Amalgum Exhibit A in his hand when seized, wrapped in the paper B. On taking accused and the Amalgum to the station, the station writer produced the portion Exhibit C to test exhibit A into Sponge Gold, by putting a small piece of the Amalgum into the fire — Mr. Opie

of the accused immediately after he left the Mill. warrants the Court in presuming that he stole it, unless he can prove the contrary." Thus a Man being found coming out of another's barn and upon search corn being found upon him of the same kind with what was in the barn, is pregnant evidence of guilt (2 East-P.C 656 Russ & Ryl - 2 Deer C.C 264) "Vide Mayne page 321". I therefore find the accused Ambrose alias Sonny-boy guilty of theft in a building under Section 380 I.P. Code, and sentence him to receive Twelve stripes with a light rattan. The Amalgum and Sponge A & B will be restored to Mysore Mine. I have to remark that sufficient care is not exercised in the Mysore Gold Mine to prevent these thefts. The Police come in for a good deal of abuse for not detecting or preventing all such thefts, but it is the duty of the owners of property to take reasonable

precautions

precautions for its preservation and when
the property is so valuable and so
easily convertible as gold, special
precautions should be taken. It is
clear from Mr Opie's evidence that such
precautions had not been taken. The
thefts are so frequent and the
amount of gold lost in the form
of amalgum, sponge gold & quartz
is so great, that it is a question to
be considered whether Government
should not interfere with special
measures to prevent the loss which
accrues in the royalty. 8-4-93

/signed/ G. Anne Wright
Special Magistrate

Sentence executed in my presence
by way of school discipline on the
palms, as accused had a sore on
his buttocks. 8-4-93.

/d/ G Anne Wright
Special Magistrate

Copy

Ag Registrar

Registered
in the Post Office
Sir attended to

453
f 166 92-7-93
Town

Section
F
S

The Chairman
of the ~~Board of~~
~~Directors~~
Mysore Gold Mining
Company.
No 6 Queen
Street Place London E

Sir

I am directed
to forward for favour
of perusal & issue of
necessary instructions,
a copy of the judgment
passed by the Special
Magistrate of the Kolar
Gold Fields in Criminal
Case No 342 of 1892-93
on the file of this Court
2. I am further to
invite your attention
to the Remark contained

... Concluding portion
of the judgment to the
effect that sufficient
precautions are not taken
by the Superintendents
of Gold Mines to prevent
thefts.

Thanks
Chief Secy
8/7/93

(General Serial No. 30.)

189

From

The Chief Secretary to the Dewan of Mysore.

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

Sd 7

No 456 of 8164 dt 2-7-93
12

Letter in Identical terms to the Chairman of the Kolar Gold Field Mining Board in Gold Fields Kolar

Issued

Drafted
Sd 7
8/7

(General Serial No. 30.)

1892 G 346

From The Secretary
Kolar Gold Field Mining Board

To

The Chief Secretary to the
Dewan of Mysore.

3

Dated 21 July 1892

Despatched

Received

Enclosures No.

General No.

No.

Acknowledging receipt of letter of 2nd instant and stating that the same shall be placed before the Board at their next meeting.

Recess put up
21/7 Subject — Submitted for information.
Many be filed
28/7/92

References to be marked.

Mysore Govt. C. Press, Bangalore.—21-12-92.—2000.

THE KOLAR GOLD FIELD MINING BOARD.

OORGAUM

Mysore Province, 21st July 1892

The Chief Secretary
to the Dewan
of Mysore.
Mysore Dewan's Office
Bangalore.

Sir,

I am directed by the Chairman of the Board, to acknowledge the receipt of your letter to him with enclosures dated the 2nd inst. & to state that the same shall be placed before the Board at their next Meeting.

I have the honor to be,
Sir,
your most obedient servant

John B. Eppich
Secretary

(General Serial No. 30.)

189 1610 7-8-92

From The Secretary
Kolar Gold Field
Mining Board,
Oorgaum.

To

The Chief Secretary to the
Dewan of Mysore.

Dated 5th August 1892

Despatched

Received

Enclosures No. 2

General No.

No.

Acknowledging receipt of letter dated 2nd July 1892, enclosing copy of Judgment in Crl. Case No. 342 of 1892-93, passed by the Special Magistrate and stating that every precaution has been taken by the Superintendents of Gold Mines to prevent thefts, &c, &c.

Ref. Mrn
14/8

References to be marked.

To The Current Record.
Please put up previous papers.
Subscribed 2nd Aug 1892 Sd-a
256 8/8.
366

Mysore Govt. C. Press, Bangalore.—30-6-92—3000.

To, The Camp Office
Please put up the Ro quoted within.
Sd-a
16/8.

Pol
No. 1242
Serial No. 5

(General Serial No. 30.) C.S. 1827

1893 AUG 9

From The Superintendent
Nyanza Gold Fields
Ongaro

To

Dated 9th August 93

Despatched

Received

Enclosures No.

General No.
No.

Making certain observations
on the judgment of the Supreme
Court in Kolar Gold-fields
stating that every precaution
is taken to prevent theft

Judl Br
Mrn
11/8

Ref: Mrn
14/8.

Draft
SK 1/

(General Serial No. 30.)

OFFICE OF THE
3162
12 SEP. 1892
DEWAN OF MYSORE

1892 J. 466

To

The Secretary
Mysore Gold Mining Co.
London

The Chief Secretary to the
Dewan of Mysore.

Pol
12-92
7

Dated 18th August 1892

Despatched

Received

Enclosures No.

General No.

No.

Stating that the Supdt
of the Mines is being com-
municated with and in-
structions being given to him
to exercise every precaution
in order to prevent theft of
Amalgam.

Say Recorded
Letter 16/9 Supdt
Judge
Answered Whence the Amalgam

References to be marked.

Mysore Govt. C. Press, Bangalore.—30-6-92—3000.

Copy forwarded
Subd SR 17/9 H. Copy Subd 16/9

G. Srinivasa Iyengar

The Mysore Gold Mining Company, Limited,

6, Queen Street Place,

London, 18th August 93

To, Chief Secretary to the
Dewan of Mysore
Office of the Dewan of Mysore
Bangalore, Mysore State
Southern India.

Sir

I am instructed to acknowledge the receipt of your favour of the 2nd July ultimo addressed to the Chairman of this Company and to thank you for the same.

The Superintendent at the Mines is being communicated with today upon the subject & instructions are being given to him to exercise every precaution in order to prevent as far as it is possible

the Chefs of amalgam.

Again thanking you for your favour

I have the honour to be

Sir

Your obedient servant

Ilrocker.

Secretary

No 4268-70. 93-93

J 439

Section —— Pol

No —— 1492

Series No —— 9

Read

Letter dy 9th august 93 from the Superintendent Mysore Gold Mining Co. Bangalore, acknowledging receipt of a copy of Judgment passed by the Special Magistrate of the Kolar Gold Fields in Criminal Case No 34 of 1892-93 and stating that Every precaution has been taken to prevent thefts with the observation that the theft in question was committed under the most exceptional circumstances anterior to his taking Charge, and inviting attention to the fact that if the sentence were made more severe in

cases clearly proved
thefts would be
aterially lessened still
rther, less as they are
t present- compared
ith the past.

ead also
~~Also~~ letter from the
ecretary Kolar Gold
ield Mining Board
ated 3rd August- (ultimo)
the same subject
nd to the same Effect
nd further forwarding
list of recent cases
lowing the punishment
warded in them.

rder thereon: —

The letters above read
ill be forwarded to the
eputy Commissioner and

District Magistrate of Kolar for information and return. Where to steal is easy and detection is difficult and prevention equally difficult as is the case in the Kolar Gold Fields, punishment on conviction should, no doubt, be proportionately severe; but

The letters above ~~read~~ ~~from which reason to fear~~ that this principle has been somewhat ~~over~~ looked by the Special Magistrate of the Gold Fields. The ~~District~~ Assistant Magistrate will take a case to move the Chief Court for enhanced

It is observed that, in many of the cases reported in the last monthly of the Dep., Kolar Gold Fields Munsiff's, the accused were punished and, for their first conviction, with the most appropriate punishment. In the other cases in which imprisonment for short terms is said to have been awarded, the facts are not before Govt.

punishment in cases in
which the Magistrate may
in the future fail to pass
sentences
award ~~punishment~~ as
sufficiently severe to be
equally ~~preventive~~ punitive and
~~reformatory~~ deterrent.

Draft

Chief Secretary

Rept for approval
Devan's
Approved
Sd
2/9

3/9/93

K
2/9/93.

The Superintendent
Mysore Gold Mining Co.
Oorgaum

The Secretary Kolar
Gold Field Mining Board
Oorgaum.

The Deputy Commissioner
& District Magistrate
Kolar District.

Copy sent
3/9/93

Proceedings of the Government of His Highness the Maharaja of Mysore, (Judicial),—dated 3rd September 1893.

Letter dated 9th August 1893, from the Superintendent, Mysore Gold Mining Company, Urigum, acknowledging receipt of a copy of Judgment passed by the Special Magistrate of the Kolar Gold Fields in Criminal Case No. 342 of 1892-93 and stating that every precaution has been taken to prevent thefts, with the observation that the theft in question was committed under the most exceptional circumstances anterior to his taking charge, and inviting attention to the fact that if the sentences were made more severe in cases clearly proved, the thefts would be materially lessened still further, less as they are at present compared with the past.

READ ALSO:—

Letter from the Secretary, Kolar Gold Field Mining Board, dated 3rd August 1893 on the same subject and to the same effect and further forwarding a list of recent cases showing the punishment awarded in them.

No. 4268-70—J.-139, DATED, BANGALORE, 3RD SEPTEMBER 1893.

ORDER THEREON.—The letters above read will be forwarded to the Deputy Commissioner and District Magistrate of Kolar for information and return. Where to steal is easy and detection is difficult and prevention equally difficult as is the case in the Kolar Gold Fields, punishment on conviction should, no doubt, be proportionately severe; but it is observed that, in many of the cases referred to in the list submitted by the Secretary, Kolar Gold Fields Mining Company, the accused were juveniles and, for their *first* conviction, whipping was the most appropriate punishment. In the other cases in which imprisonment for short terms is said to have been awarded, the facts are not before Government. The Deputy Commissioner will, however be instructed to move the Chief Court for enhanced punishment in one or two special cases in which the Magistrate may in the future fail to award sentences sufficiently severe to be equally punitive and deterrent.

ANANDA ROW,
Chief Secretary.

The Superintendent, Mysore Gold Mining Company, Urigum.
The Secretary, Kolar Gold Field Mining Board, Urigum.
The Deputy Commissioner and District Magistrate, Kolar District.
The Inspector General of Police.

GOVERNMENT OF MYSORE.

JUDICIAL.

PROCEEDINGS.

Dated 3rd September 1893.

No. 4268-70.
J. 439.

Passing orders in the matter of awarding punishment to persons convicted of the offence of theft in the Kolar Gold Field.

Mysore Govt. C. Press, Bangalore.—13-9-93.—1